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Johnson*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN JOHNSON

Plaintiff,

v.

HOOTERS, INC.; HOOTERS CASINO  
HOTEL; HOOTERS OF AMERICA, LLC;  
NAVEGANTE GROUP, INC.; TRINITY  
HOTEL INVESTORS, LLC, and DOES 1 to  
50

Defendant.

Case No. 2:18-cv-01381-RFB-BNW

**UNOPPOSED MOTION TO IDENTIFY/NAME  
DOE DEFENDANTS 1 THROUGH 8 OUT OF  
DOES 1 TO 50**

COMES NOW, Plaintiff, Steven Johnson ("Plaintiff"), by and through the undersigned counsel and hereby submits this Unopposed Motion to Identify/Name Doe Defendants 1 through 8 out of Does 1 to 50 pursuant to Rule 7(b) of the Federal Rules of Civil Procedure. This motion is based on the Plaintiff's discovery of the identity and/or partial identity of eight (8) of the currently named DOE Defendants and the Plaintiff's

1 indication in the Complaint that he would "ask leave of this Court to  
2 amend this complaint to show [the Doe] Defendants' names and capacities  
3 when the same have been ascertained." See Complaint, ¶ 8 [DE 1]. This  
4 motion shall be further supported by the Memorandum of Points and  
5 Authorities below, the record, and on such evidence and oral argument as  
6 may be presented at the hearing on the motion.

7  
8 Dated this 4th day of May 2020.

9  
10 Respectfully submitted, THE WILLIAMS LAW GROUP

11  
12 BY: Andrew Williams  
13 Andrew Williams, Esq.

14  
15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. STATEMENT OF FACTS**

17 On July 26, 2018, Plaintiff filed his Complaint in the above-  
18 captioned action based upon claims for negligence, assault and battery.  
19 Due to the nature of his injuries (beaten unconscious, fractured jaw in  
20 multiple places) and the time in which the injuries occurred (early  
21 morning hours while Plaintiff was asleep), the Plaintiff was unable to  
22 identify the true identities of his assailants. This in turn led to the  
23 Plaintiff filing a complaint, which listed defendants Does 1 to 50, as  
24 unknown parties whom the Plaintiff was informed and believed, "and  
25 thereupon allege[d], that each of the Defendants designated herein as a  
26 DOE [was] negligently, wantonly, recklessly, tortuously and unlawfully  
27  
28

1 responsible in some manner for the events and happenings hereinafter  
2 referred to, and negligently, wantonly, recklessly, tortuously and  
3 unlawfully, proximately caused injuries and damages thereby to  
4 Plaintiff." See Complaint ¶ 8 [DE 1].

5 On April 15, 2020, the Plaintiff was deposed by Defendants HILV Fee,  
6 LLC and NAV-115 E. Tropicana, LLC, (collectively, the "Hooters  
7 Defendants"), who are erroneously named HOOTERS CASINO HOTEL, HOOTERS OF  
8 AMERICA, LLC, NAVEGANTE GROUP, INC., and TRINITY HOTEL INVESTORS, LLC in  
9 the complaint.<sup>1</sup> Shortly before the deposition commenced, the Plaintiff  
10 was provided with six (6) exhibits that were anticipated to be used in  
11 the deposition. One of these exhibits, Exhibit "F", was a roughly 2-  
12 minute video clip that showed the Plaintiff being transported through  
13 the Hooters Casino Hotel (the "Hotel") in a gurney by EMT services. The  
14 video clip also showed seven (7) police officers, who on information and  
15 belief, are employed by the Las Vegas Metropolitan Police Department, a  
16 metropolitan police department duly-organized under Chapter 280 of the  
17 Nevada Revised Statutes. Further on information and belief, these seven  
18 (7) police officers were involved and participated in the acts and/or  
19 omissions which caused some or all of Plaintiff's injuries and damages.

## 22 **II. LEGAL ARGUMENT**

23 Rule 10 of the Nevada Rules of Civil Procedure "allows the  
24 substitution of named defendants for DOE defendants, relating back to  
25

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27 <sup>1</sup> The parties have agreed to enter into a stipulation to correct the misnomer as it pertains to the names of the Hooters Defendants; however, as  
28 of the time of the filing of this motion the stipulation had not yet been entered and ordered by this Court.

1 the date of filing the complaint." *Driscoll v. Collins Home Mfg. Corp.*,  
2 103 Nev. 608, 609, 747 P.2d 888, 889 (1987). Rule 10 states in pertinent  
3 part "[i]f the name of a defendant is unknown to the pleader, the  
4 defendant may be designated by any name. When the defendant's true  
5 identity is discovered, the pleader should promptly substitute the actual  
6 defendant for a fictitious party." NRCP 10(d).

7  
8 **A. Plaintiff Has Discovered the True Identity of Doe 1**

9 Due to the head injuries that the Plaintiff sustained as alleged in  
10 the Complaint (a concussion and fractured jaw) and the time that he was  
11 assaulted (early in the morning while Plaintiff was asleep), the  
12 Plaintiff was unable to fully identify his assailants upon the filing of  
13 the Complaint. The Plaintiff being ignorant of the true names of his  
14 assailants designated certain defendants in the Complaint with fictitious  
15 names, DOES 1 to 50.

16 On April 15, 2020, after being provided with discovery from the  
17 Hooters Defendants, the Defendant for the *first* time since the  
18 commencement of this action had sufficient knowledge and information to  
19 identify the true name of Defendant Doe 1. Plaintiff identifies the  
20 defendant as follows:  
21

22 Doe 1: Las Vegas Metropolitan Police Department.

23 **B. Plaintiff Has Discovered the Partial Identity of Does 2**  
24 **through 8**

25 As stated above, the Plaintiff's injuries as alleged in the  
26 Complaint included head trauma (a concussion and fractured jaw) and given  
27 the time that Plaintiff was assaulted (early in the morning while  
28

1 Plaintiff was asleep), the Plaintiff lacked sufficient memory and/or  
2 ability to fully identify his assailants when he filed the complaint.  
3 Due to his ignorance of the true names of his assailants the Plaintiff  
4 designated certain defendants in the Complaint with fictitious names,  
5 DOES 1 to 50.

6 The Defendant was able to fully identify the true name of one of  
7 the DOE defendants on April 15, 2020 as discussed above, and he was able  
8 to partially identify the true names/identities of defendants DOES 2  
9 through 8 on this same day for the *first* time since the commencement of  
10 this action. The Plaintiff partially identifies the defendants as  
11 follows:  
12

13 Doe 2: Las Vegas Metropolitan Police Officer A ("LVMP Officer A");

14 Doe 3: Las Vegas Metropolitan Police Officer B ("LVMP Officer B");

15 Doe 4: Las Vegas Metropolitan Police Officer C ("LVMP Officer C");

16 Doe 5: Las Vegas Metropolitan Police Officer D ("LVMP Officer D");

17 Doe 6: Las Vegas Metropolitan Police Officer E ("LVMP Officer E");

18 Doe 7: Las Vegas Metropolitan Police Officer F ("LVMP Officer F");

19 Doe 8: Las Vegas Metropolitan Police Officer G ("LVMP Officer G");  
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### 21 **III. CONCLUSION**

22 Based upon the foregoing points and authorities, the record, any  
23 exhibits and oral argument that is made on this motion, the Plaintiff  
24 respectfully requests that this Honorable Court grant the Plaintiff's  
25 Unopposed Motion to Amend Complaint and Pleadings to Identify/Name Doe  
26 Defendants 1 through 8 out of Does 1 to 50.  
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1       **WHEREFORE**, the Plaintiff respectfully requests that this Honorable  
2 Court enter an Order that allows the Plaintiff to identify DOE 1 by its  
3 true name, Las Vegas Metropolitan Police Department; to replace DOES 2  
4 through 8 with their partially identified names, LVMP Officer(s) A  
5 through G; to provide Plaintiff with 30 days to file an amended complaint  
6 so as to allow further investigation into the true identities of DOES 2  
7 through 8, and to allow Plaintiff to replace the true names of DOES 2  
8 through 8, without further order of the Court should such be discovered  
9 within the prescribed 30-day period, and to grant any other and further  
10 relief deemed fair, equitable and appropriate by this Court.  
11

12 Respectfully submitted,                      The Williams Law Group  
13

14 Dated: May 4, 2020

BY: Andrew Williams

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Attorneys for Plaintiff Steve Johnson

19  
20 **IT IS SO ORDERED**

21 **DATED: May 05, 2020**

22  
23   
24

25 **BRENDA WEKSLER**

26 **UNITED STATES MAGISTRATE JUDGE**  
27  
28  
29  
30

**CERTIFICATE OF GOOD FAITH CONFERENCE;**  
**CONFERRED AND MOTION IS UNOPPOSED**

Pursuant to the Federal Rules of Civil Procedure, and any local rules of this Court, I hereby certify that counsel for the movant has conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues. Because the motion does not impact the named Defendants, the Hooters Defendants, they confirmed on May 1, 2020 via email that they had no objection to the relief requested herein the Plaintiff's motion.

Dated: May 4, 2020

BY: Andrew Williams  
ANDREW WILLIAMS, ESQ.

**CERTIFICATE OF SERVICE**

The undersigned, a contractor of The Williams Law Group, hereby certifies that on the 4th day of May 2020, a copy of the foregoing **UNOPPOSED MOTION TO IDENTIFY/NAME DOE DEFENDANTS 1 THROUGH 8 OUT OF DOES 1 TO 50** was served electronically to all parties of interest via this Court's CM/ECF system as follows:

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